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BATH & BODY WORKS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TRACY MORRISON,
Plaintiff,

vs.

BATH & BODY WORKS, and DOES 1
to 100, inclusive
Defendants.

BATH & BODY WORKS
Cross-Complainant,

vs.

SPA REVOLUTIONS, INSPIRED
SCIENCES LLC and ROES 1 through
20, inclusive,
Cross-Defendant

Case No.: CV10-1276 ODW (Ex)
[Judge Otis D. Wright II]

**DEFENDANT BATH & BODY
WORKS' NOTICE OF
VOLUNTARY DISMISSAL OF ITS
CROSS-COMPLAINT AGAINST
CROSS-DEFENDANTS SPA
REVOLUTIONS AND INSPIRED
SCIENCES, LLC**

Complaint Filed: 1/12/10

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to Federal Rules of Civil Procedure, Rule 41(c) Defendant and Cross-Complainant Bath & Body Works, Inc. (“Bath & Body Works”) hereby voluntarily dismisses its First Amended Cross-Complaint against Cross-Defendants Spa Revolutions and Inspired Sciences LLC (collectively referred to herein as “Cross-Defendants”). Federal Rules of Civil Procedure, Rule 41 provides as follows:

(a) Voluntary Dismissal.

(1) By the Plaintiff.

(A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(I) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment;
or

(ii) a stipulation of dismissal signed by all parties who have appeared.

(c) Dismissing a Counterclaim, Crossclaim, or Third-Party Claim. This rule applies to a dismissal of any counterclaim, crossclaim, or third-party claim. A claimant’s voluntary dismissal under Rule 41(a)(1)(A)(I) must be made:

(1) ***before a responsive pleading is served***; or

(2) if there is no responsive pleading, before evidence is introduced at a hearing or trial.

Fed. Rules Civ. Proc. R. 41 (emphasis added).

1 In this case, Bath & Body Works filed and served its Cross-Complaint on
2 October 18, 2010. Cross-Defendants have yet to file a responsive pleading. As
3 such, under Rule 41(c), Bath & Body Works may voluntarily dismiss its Cross-
4 Complaint against Cross-Complainants without a Court order.

5 Therefore, pursuant to Federal Rules of Civil Procedure, Rule 41(c), Bath &
6 Body Works hereby dismisses its Cross-Complaint against Cross-Defendants Spa
7 Revolutions and Inspired Sciences LLC.

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9 Dated: November 16, 2010

MANNING & MARDER
KASS, ELLROD, RAMIREZ LLP

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11 By: s/Jami I. Copeland
12 Jeffrey M. Lenkov, Esq.
13 Jamie D. Yabko, Esq.
14 Jami I. Copeland, Esq.
15 Attorneys for Defendant and
16 Cross-Complainant, **BATH &**
17 **BODY WORKS, INC.**
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